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6 IN THE UNITED STATES DISTRICT COURT
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8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 EDWARDS LIFESCIENCES, LLC, et al.,

No. C 03-03817 JSW

10 Plaintiffs,

11 v.

12 COOK INCORPORATED, et al.,

13 Defendants.
14 _____/

**ORDER GRANTING IN PART
AND DENYING IN PART W.L.
GORE & ASSOCIATE'S
ADMINISTRATIVE MOTION TO
FILE A SEPARATE CLAIM
CONSTRUCTION BRIEF**

15 This matter comes before the Court upon consideration of W.L. Gore & Associate's
16 administrative motion to file a separate claim construction brief not to exceed twenty-five pages.
17 Cook does not oppose Gore's request. Plaintiffs do not oppose Gore's request to file an
18 additional brief but do oppose Gore's request that both Cook and Gore be given leave to file
19 twenty-five page briefs.

20 The Court finds good cause to GRANT Gore leave to file a separate brief. However, the
21 Court concurs with the Plaintiffs that two twenty-five page briefs are excessive. The Court
22 already has granted the parties' request to construe more than ten claim terms, and the resulting
23 claim chart is 159 pages. Moreover, Plaintiffs have already responded to the Defendants'
24 proposed constructions in one twenty-five page brief.


25 Accordingly, the Court DENIES Gore's request for leave to file a twenty-five page brief.
26 Plaintiffs offer a compromise of a fifteen page joint brief and separate briefs totaling no more
27 than five pages. The Court shall grant Gore and Cook each leave to file twenty page briefs. In
28 the alternative, if Gore and Cook wish to use some of their page limits in a joint brief, they may
do so and may utilize the balance in separate briefs.

1 In turn, Plaintiffs, if they believe it is necessary, may seek leave to file reply briefs in
2 excess of fifteen pages. In light of this development, and its unavailability at the time Gore's
3 motion was filed, the Court also shall extend the time by which the parties briefs may be filed.
4 The Defendants' responsive brief(s) shall be due on November 30, 2006. Plaintiffs reply
5 brief(s) shall be due on December 15, 2006.

6 The January 17, 2007 tutorial and January 24, 2007 *Markman* hearing are VACATED.
7 The Court shall reset the dates for those hearings at the case management conference on
8 December 8, 2006, but proposes March 7, 2007 for the tutorial and March 14, 2007 for the
9 *Markman*.

10 **IT IS SO ORDERED.**

11
12 Dated: November 20, 2006



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

United States District Court

For the Northern District of California